

67,064-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Jyawook, et al.

Serial No.: 10,077,427

Filed: 02/15/2002

Group Art Unit: 1771

Examiner: Vo, Hai

For: THERMOPLASTIC VEHICLE WEATHER STRIPPING

DEC 12 2003

OFFICIAL

RESPONSE

OK to enter,  
HV, 1/07/04

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Final Office Action mailed on October 23, 2003.

Applicant respectfully requests that the Examiner withdraw the finality of the most recent Office Action. Applicant made no amendment to the claims in the Response prior to the most recent Office Action and, therefore, the new grounds of rejection was not "necessitated" by anything done by Applicant. The most recent Office Action should not be a final action.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 based upon *Hendrix* combined with *Chen, et al.* It is not possible to use the *Hendrix* arrangement with a microcellular material. Achieving a microcellular material requires allowing the material to cool as it exits the die so that the material cures appropriately for the cell size to be maintained as required for a microcellular material to perform its intended function.

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This is shown, for example, in the *Park* reference. The arrangement of *Hendrix* includes heating the first extrudate after it exits the primary die. This would destroy the microcellular aspect of a material that was extruded through the primary die of the *Hendrix* reference. Additionally, *Hendrix* requires making a second extrudate and subsequently joining that to the first extrudate. This cannot be done using a microcellular material. In short, it is not possible to achieve a product as taught by *Hendrix* if one were to attempt to use a microcellular material as suggested by the Examiner.

Because the proposed combination does not provide a workable result, there is no *prima facie* case of obviousness.

Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

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Dated: December 12, 2003

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on December 12, 2003.

  
Theresa M. Palmateer

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